

VZCZCXYZ4093  
OO RUEHWEB

DE RUEHGO #0168/01 0641002  
ZNY CCCCC ZZH  
O 041002Z MAR 08  
FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7266  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 0965  
RUEHNE/AMEMBASSY NEW DELHI 4522  
RUEHUL/AMEMBASSY SEOUL 8056  
RUEHKO/AMEMBASSY TOKYO 5617  
RUEAIIA/CIA WASHDC  
RUEHGV/USMISSION GENEVA 3556  
RUEKJCS/DIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUCNDT/USMISSION USUN NEW YORK 1385  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000168

SIPDIS

SIPDIS

STATE FOR EAP, IO AND DRL  
DEPT PLEASE PASS TO DEPT OF LABOR  
PACOM FOR FPA  
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 03/04/2018  
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)  
SUBJECT: ILO AND GOB RENEW FORCED LABOR MECHANISM AGREEMENT

REF: A. RANGOON 125

- [1](#)B. RANGOON 127
- [1](#)C. RANGOON 76
- [1](#)D. RANGOON 017
- [1](#)E. 07 RANGOON 1042

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4  
(b and d)

[1](#)1. (C) Summary. On February 27, the ILO and Burmese Government signed an agreement extending the ILO-GOB Forced Labor Mechanism Agreement for an additional year. During meetings with ILO Executive Director Kari Tapiola, the Burmese Government agreed to allow the ILO travel around Burma without a government liaison officer, pledged to stop the harassment of forced labor complainants, and consented to the establishment of an ILO-NGO network to facilitate the reporting of forced labor cases. The GOB has yet to approve Burmese-language versions of ILO labor conventions for ILO distribution. Tapiola met with Minister of Labor Aung Kyi to discuss the upcoming ILO Governing Board meeting and several labor-related cases, and to ask whether the draft constitution will include provisions on forced labor and freedom of association. Tapiola also met with NLD Central Executive Committee members, who supported the ILO's work in Burma and encouraged the ILO ramp up its education and outreach programs on forced labor. End Summary.

[1](#)2. (C) ILO Executive Director Kari Tapiola visited Burma February 25-28, and met with government officials, including with Minister of Labor Aung Kyi, Deputy Labor Minister General Tin Tun, and members of the Burmese Working Group on Labor, the NLD Central Executive Committee, key diplomats, and ILO facilitators. Despite repeated requests, Tapiola was not allowed to visit Insein Prison to meet with imprisoned labor activists (Su Su Nwe, Htet Wei, Win Aung, and six people arrested after a May Day seminar on labor issues at the American Center) nor did he meet with the Prime Minister.

## Extending the Mechanism

---

13. (C) After months of negotiations, the ILO and GOB agreed on February 27 to extend the Forced Labor Mechanism Agreement for an additional year. ILO Liaison Officer Steve Marshall told us that the Burmese Government wanted the ILO to sign a formal Memorandum of Understanding rather than an extension agreement. The ILO refused, noting that it was still not convinced of the GOB's commitment to halting forced labor practices.

14. (C) Before signing the extension agreement, the Burmese Government agreed to most of the ILO's conditions (Ref A), including permitting the ILO to travel around the country without a government liaison officer, pledging to halt the harassment of forced labor complainants, and allowing the ILO to establish a network of NGOs to help facilitate forced labor complaints. The GOB has not yet approved Burmese-language versions of labor conventions, despite having them to review for more than six months. Marshall told us that the ILO plans to disseminate its own translations of the labor conventions, including the Forced Labor Mechanism Agreement, to Burmese audiences during outreach programs beginning in April. Tapiola pressed the Burmese Government to issue a public statement against forced labor to demonstrate its political will. The GOB has yet to issue such a statement, but the New Light of Myanmar, the government mouth-piece newspaper, included a sentence in its article about Tapiola's visit that said "Myanmar has pledged to eradicate the activities of forced labor." The ILO viewed this as a step forward.

15. (C) While not a perfect document, the Forced Labor Mechanism Agreement establishes a way for the Burmese to make formal labor complaints, Marshall opined. Since February 2007, the ILO has received a total of 75 forced labor cases, which included child soldier, forced portering, and forced sentry cases. The ILO forwarded approximately 50 of these cases to the Working Group on Labor for action; the ILO dismissed the other cases because either the complainants did not want to be identified or the cases were too political in nature. The GOB has yet to resolve approximately 10 cases, although Marshall noted that the GOB has acted quickly on most cases, particularly those dealing with child soldiers if it had enough detailed specifics as to who was taken by whom and where (Ref B). Marshall added that the issue of child soldiers will likely continue being a problem. He expressed outrage that the recruiter or an 11-year old got off with only a reprimand rather than facing prosecution (Ref A).

## Update on Imprisoned Labor Activists

---

15. (C) During his meeting with Aung Kyi, Tapiola inquired about the status of several labor activists' court cases, including Su Su Nwe, Win Aung, Htet Wei, and the six May Day activists (Refs C, D, E). Although Tapiola had planned to visit Insein Prison to meet with the arrested individuals, the GOB refused to grant him access. Tapiola stressed that the ILO was particularly interested in the Su Su Nwe case, as she was one of the ILO's main labor facilitators. Aung Kyi acknowledged the ILO's concerns and said they would be addressed, although provided little information on her case.

16. (C) Tapiola informed Aung Kyi that the arrest of NLD member and labor activist Htet Wei, who had labor documents and forced labor complaints on him when he was arrested in January (Ref D), would be reviewed at the March ILO Governing Board meeting. In February, the GOB charged Htet Wei with violating the Electronics Law because the police found labor documents saved on a memory stick. Tapiola pointed out that the Burmese Supreme Court had ruled that filing a labor complaint with the ILO was not a violation of Burmese law, and that the GOB had little reason to detain him. Marshall opined on March 4 that the GOB may release Htet Wei just before the ILO Governing Board meeting to deflect further criticism of the regime.

¶7. (C) The case against the six May Day activists has progressed, Marshall told us. The Supreme Court accepted their appeal and scheduled a hearing for March 6. Opposition lawyer U Aung Thein will be their defense attorney. The GOB moved quickly on this case, accepting the appeal and scheduling a new trial within 10 days. Marshall viewed this as a sign that the GOB wanted to "clean up its labor cases" before the March ILO meeting. The ILO Governing Board will likely discuss this case because it is an example of how the GOB does not allow freedom of association, despite being a signatory to the Freedom of Association and Protection of the Right to Organize Convention.

#### Depoliticizing the Process

-----

¶8. (C) During the meetings with Tapiola, Ministry of Labor officials requested that the ILO not accept forced labor complaints from the NLD, arguing that the NLD used the agreement to undermine the regime's credibility. Tapiola responded that the ILO accepted complaints from anyone, and did not ask about party affiliation when accepting forced labor cases. Tapiola also informed the GOB that he was going to meet with the NLD Central Executive Committee because it was interested in forced labor issues. He noted that it would be in the GOB's interest if the NLD did not criticize the ILO-GOB Forced Labor agreement.

¶9. (C) Tapiola also inquired whether the draft constitution would include provisions addressing forced labor and freedom of association, two principles found in the 104 Principles established during the National Convention. Aung Kyi acknowledged that the constitution would prohibit forced labor and give a qualified right to form unions. The Ministry of Labor plans to send to the ILO a formal written statement to this effect, which Marshall will include in his submission to the ILO Governing Body. While it remains to be seen whether the GOB will uphold these provisions, Marshall commented that their inclusion in the constitution establishes a legal basis for further action.

#### NLD Supportive of ILO Efforts

-----

¶10. (C) Tapiola met with the members of the NLD Central Executive Committee on February 27, allowing them the opportunity to ask about GOB efforts to stop forced labor practices. Marshall told us that the NLD supported ILO efforts and welcomed the renewal of the agreement. The CEC members also encouraged the ILO to ramp up its education and outreach program, which would enable more Burmese to learn about forced labor and their rights. They also encouraged the ILO to use foreign media to highlight forced labor problems in Burma.

#### Comment

-----

¶11. (C) The ILO office in Rangoon continues to have a good relationship with Minister Aung Kyi and has the best track record among the UN agencies in advancing reform. However, ILO officials express frustration with Deputy Minister Tin Tun, who is their main interlocutor, because he lacks a basic understanding of labor principles. Thus, it is difficult for the ILO to have a discussion of substantive issues with the Deputy Minister. They noted that he continues to wear his military uniform and tends to regard all discussions as military issues. Fortunately, Tapiola and Marshall took advantage of their time with Aung Kyi, emphasizing that the Governing Board will closely scrutinize the GOB's efforts to curtail forced labor since November. This increases the likelihood that the regime will release several labor activists right before the Governing Body meeting. Forced labor will continue to be a major problem in Burma until the government addresses the root causes of forced labor, takes concrete steps to reduce child soldier recruitment, and punishes military perpetrators of forced labor and child

solider recruitment.  
VILLAROSA